

Rochelle Park district sued

3rd-grade teacher alleges retaliation

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ROCHELLE PARK — Schools Superintendent Geoffrey Zoeller and the township school board retaliated against a third-grade teacher after he spoke out about a sexual harassment investigation against the superintendent and the firing of a teacher, according to a whistleblower lawsuit filed last month.



Zoeller

Thomas Hornes, who filed the 11-page complaint in Superior Court on Sept. 14, is currently suspended without pay.

He receives an annual salary of \$78,000. His attorney said he now faces tenure charges, was recently denied paternity leave, and had his annual incremental raise of \$5,000 denied.

"This has really turned Tom's world upside down," said attorney Ty Hyderally, who noted that his client is a union representative. "I can't even begin to describe the level of stress

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Teacher

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and emotional distress that the actions by Dr. Zoeller and the board has caused him."

The lawsuit comes amid mounting tension between Zoeller and the local teachers union. In June, the union membership voted 44-3 to declare "no confidence" in his leadership, and many of the allegations made by the group — including issues raised over PARCC testing, a sexual harassment investigation, and the departure of tenured teachers because of a hostile work environment at the school — were outlined in detail in Hornes' complaint.

Board of Education members have said they cannot discuss concerns raised by parents and teachers, like the sexual harassment investigation, because of privacy issues.

Questioned about the lawsuit, Zoeller and school board members presented a united front this week.

"The Rochelle Park Board of Education was served with the complaint and intends to aggressively defend itself in this lawsuit," board President Dimitria Leakas said in an email.

Said Zoeller: "The board and its administration, at all times, act in a legal way consistent with public policy, focusing on our students' best interests and those of our community. I appreciate the board's willingness to vigorously address this matter, and I look forward to telling the real story and setting the record straight in this case."

Two years of tension

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Two years of tension

The lawsuit details an alleged pattern of retaliation by Zoeller against Hornes for his "whistleblowing activities" over a two-year period.

The retaliation, the suit alleges, began when Hornes spoke out against Zoeller at a public meeting in May 2015 over a class trip refund owed to parents.

According to the suit, Hornes spoke out several other times, most notably during an investigation into a sexual harassment complaint against Zoeller by a teacher in March, and after the firing of a teacher for violating PARCC procedures in May. An investigator's report into the harassment complaint, according to the suit, found that Zoeller engaged in misconduct, and Hornes' comments were used to support that decision.

The suit alleges that each time Hornes spoke out against Zoeller, the superintendent would accuse him of misconduct in the workplace a few days later.

On May 16, the suit states, Zoeller informed Hornes he was suspended for allegedly tampering with PARCC security agreements and faced tenure charges.

According to the complaint, Zoeller asked Hornes to resign on July 24. Hornes refused, and Zoeller allegedly issued an "evaluative memorandum." On July 31, through counsel, Hornes advised the board that he would pursue legal action against Zoeller and the board for violating the Conscientious Employee Protection Act, often described as CEPA or the whistleblower act.

Generator controversy

Zoeller, who has been at the helm of

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Generator controversy

Zoeller, who has been at the helm of the K-8 district since 2014, has a \$135,000 annual contract that expires in June 2019.

Before joining Rochelle Park, Zoeller served as superintendent of the Westwood Regional School District for 4½ years, with an annual salary of about \$220,000. Zoeller resigned from that post under pressure in 2013, after he was criticized for taking home a district-owned generator during Superstorm Sandy.

When Zoeller joined the Rochelle Park school district in 2014, the district had struggled to keep a superintendent, with three interim superintendents over three years.

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